

DRAFT Family Home Child Care Licensing Rules – Outdoor Environment Section

Dear Parents, Family Home Child Care Providers, and Other Interested Persons,

On the following pages you will find the early draft of the **Outdoor Environment** section of the Family Home Child Care licensing rules. This is a working draft prepared by the Negotiated Rule Making Team (NRMT), a group that is making recommendations to the Department of Early Learning (DEL) about the licensing rules. This draft has not been endorsed as an official DEL draft or proposed rule. Other sections of the working draft rules are available on the DEL Web site at: <http://www.del.wa.gov/laws/development/negotiated.aspx>

Please remember that is a very early draft – you will have a chance to see and comment on future drafts before the rules become final.

The NRMT and DEL are asking that you take time to look over this early draft. Your experience and insight are needed! What you tell us will help improve the rules. In the left column are the NRMT's recommended draft rules. In the right column is the current rule requirement. As you look over the draft new rules and current rules, think about the following:

- Are the draft new rules stated clearly?
- Are the draft rules easy to understand and follow?
- What would make the rule work better?

How to give your input. You can send an e-mail with your comments, suggestions or questions to DEL at Rules@del.wa.gov. Or, send your thoughts by fax to 360-413-3482, or mail them to: DEL Rules Coordinator, PO Box 40970, Olympia, WA 98504-0970. We will keep taking comments on this draft until the next draft version is ready for release.

What happens to your comments? All input from around the state will be considered by the DEL and the Negotiated Rule Making Team in writing the next draft of the rules.

What is the Negotiated Rule Making Team? The Negotiated Rule Making Team is helping DEL review and revise the Family Home Child Care WAC 170-296. Licensed child care providers, parent and provider advocates, the Service Employees International Union 925, the Child Care Resource & Referral Network, and DEL staff are on this team. The team is guided by the principle that licensing rules must support a child's right to have safe and healthy child care.

What happens next? Other parts of the draft rule will be available for your review soon. A second draft of the entire WAC chapter will be available in spring of 2010. Around mid-2010, DEL plans send out the formal rule proposal required by law. DEL will hold public hearings and accept more written comments on the proposal at that time. DEL plans to adopt the final rules in late 2010.

Remember, this is an early draft. You will get to see the draft rules again before they are final!

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OUTDOOR ENVIRONMENT	
Size/Space	
170-296-7601 Licensee must have 75 (seventy-five) square feet of space per child for outdoor play, or demonstrate how they meet the intent of outdoor play space.	170-296-1230 What are the size requirements for an outdoor play area? You must ensure the outdoor play area at your family home child care facility contains a minimum of seventy-five square feet of useable play space for each child you are licensed for.
Exterior Doors	
170-296-7602 The exterior doors must be equipped with one of the following, a: (a) Door alarm; (b) Chime; or (c) Bell. This will allow the licensee to know when a child is exiting a licensed space.	(13) Exit doors and windows must be of the type that can be opened from the inside without having to use a key. You must not use during child care hours: (a) Night latches; (b) Deadbolts; (c) Security chains; or (d) Manually operated edge or surface mounted flush bolts and surface bolts.
Enclosure/Fencing	
170-296-7605	170-296-1220

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<p>Routinely used licensed outside play areas must have a securely enclosed space with an enclosure or barrier with a minimum height of 4 (four) feet.</p> <ul style="list-style-type: none"> (1) If using a fence, openings have a space of no more than 3.5 (three-point-five) inches. (2) If local building codes or covenants restrict fence height licensee must demonstrate how children will safely use the play area. (3) Platforms or decks (not including play equipment) with a drop zone is more than 18 (eighteen) inches must have guardrails in any area where there are not steps. <ul style="list-style-type: none"> (a) The guardrails must be at least 30 (thirty) inches high. (b) The guardrail openings have a space of no more than 3.5 (three and one-half) inches. 	<p>What are the requirements for an outdoor play area?</p> <ul style="list-style-type: none"> (1) You are required to provide a safe and securely fenced play area, or an enclosed outdoor play area that we have approved. (2) The fenced or approved enclosed outdoor play area must prevent child access to roadways and other dangers. (3) The fence or enclosure must protect the play area from unauthorized exit or entry. Any fence or enclosure must be at least four feet high and designed to discourage climbing (chain link fencing is acceptable). (4) Spacing between vertical slats must be no greater than three inches. (5) The outdoor play area must directly adjoin the indoor premises or be reachable by a safe route and method approved by your licensor.
<p>Stairs</p> <p>170-296-7610 Stairs with four or more steps must have balusters or a hand rail on at least one side when children less than five years of age are present (this does not include play equipment with stairs).</p> <p>170-296-7611 Stairs with four or more steps must have a barrier to prevent infants and toddlers from having access to stairs when not directly supervised.</p>	<p>170-296-0720 What are the physical structure and equipment safety requirements for a family home child care?</p> <p>You must keep the equipment and the physical structures, inside and outside of your home, safe and clean for the children you serve. You must not use your licensed space, both indoor and outdoor areas of the home where the children are being cared for, for any other business purpose during your operating hours. You must:</p> <ul style="list-style-type: none"> (2) Have stairways, steps and walkways that are well lit. <p>Stairways must be equipped with securely mounted handrails within</p>

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	the reach of young children;
Visibility/Supervision	
<p>170-296-7615 Preschool aged children:</p> <ul style="list-style-type: none"> (1) Must be within hearing and sight of a primary staff member. (2) Must be kept within ratio on the premise. (3) A second staff member may engage in other childcare activities temporarily as long as he/she is in hearing or visual range. (4) Staff must be available and able to respond if the need arises for the safety of the children. <p>170-296-7620 School aged children:</p> <ul style="list-style-type: none"> (1) Must be within hearing or sight of the primary staff member. (2) Staff must be available and able to respond if the need arises for the safety of the children. 	<p>170-296-1360 What am I required to do to supervise children?</p> <ul style="list-style-type: none"> (1) You must ensure that the required number of staff supervise children. (2) You, or a primary staff person, must be within sight or hearing of the children in your care, both inside and outside, so that you or a primary staff person are capable of intervening to protect the health and safety of the children. (3) Preschool age children and younger must be within sight and hearing of you or a primary staff person when outside.
Playground Equipment	
<p>170-296-7630 Climbing equipment must not be on hard surfaces when being used by children.</p>	<p>170-296-1220 What are the requirements for an outdoor play area?</p> <ul style="list-style-type: none"> (8) You must not place climbing equipment on concrete, asphalt, wood or similar surfaces.

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<p>170-296-7631 The outdoor play area must promote a variety of physical activities.</p> <p>170-296-7632 Play equipment must be arranged so that it doesn't interfere with other play equipment when in use.</p> <p>170-296-7633 Bouncing equipment (trampolines, rebounders and inflatable equipment) is not allowed.</p> <p>170-296-7634 Equipment must be maintained in safe working condition.</p>	<p>170-296-1240 What are the requirements for outdoor play equipment?</p> <p>You must provide a variety of age appropriate play equipment of sufficient quantity for the children in your care. For example:</p> <ul style="list-style-type: none"> (1) Climbing equipment; (2) Tires for swings; (3) Age appropriate woodworking tools; (4) Play tools for water, mud and sand; (5) Ride-on toys, wheelbarrows, scooters, tricycles and bikes; (6) Bats, balls and sports equipment; (7) Gardening equipment; (8) Jump ropes; and (9) Dramatic play props. (10) All outdoor play equipment that needs installation must be installed as required by the manufacturers instructions and maintained in good condition. <p>170-296-1360 What am I required to do to supervise children?</p> <ul style="list-style-type: none"> (13) Prevent entrapment by ensuring there are no openings on indoor and outdoor climbers and platforms between three and one-half inches and nine inches; (14) Securely anchor to the ground climbing equipment and swings that have provisions for anchors. The play area must be arranged

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	<p>so children playing on one piece of equipment do not interfere with children playing on another piece of equipment; (15) Ensure that chains on swings have protective coverings and that swing seats are made of soft material with no sharp edges; (16) Ensure that tricycles and bicycles with chains have chain guards, and that children on bicycles, roller blades, skateboards, or scooters wear helmets; (17) Not use wheeled baby walkers; and (18) Not allow trampolines and rebounders in your licensed space.</p>
Ground Cover/ Fall Zones	
<p>170-296-7635 Six-foot fall zones must be around each piece of equipment that is intended to be climbed – or the portion of the equipment that is intended to be climbed.</p> <p>170-296-7636 Ground cover must surround all equipment that has a platform over four feet tall that is intended to be climbed.</p>	<p>170-296-1220 What are the requirements for an outdoor play area?</p> <p>(9) You must provide a fall zone of a minimum of six feet in all directions from stationary climbing equipment. The fall zone must be free of objects that could harm a falling child on impact. (10) The ground cover under climbing equipment must be soft enough to absorb falls and prevent injury. Examples of ground cover that will absorb a fall include cedar chips, pea gravel and rubber-like materials.</p>
Swings	
<p>170-296-7637 Ground cover or grass must be maintained under a swing with a fall zone that extends at least six feet in front and six feet in back of the stationary swing.</p>	<p>170-296-1360 What am I required to do to supervise children?</p> <p>(13) Prevent entrapment by ensuring there are no openings on indoor and outdoor climbers and platforms between three and one-</p>

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	<p>half inches and nine inches; (14) Securely anchor to the ground climbing equipment and swings that have provisions for anchors. The play area must be arranged so children playing on one piece of equipment do not interfere with children playing on another piece of equipment; (15) Ensure that chains on swings have protective coverings and that swing seats are made of soft material with no sharp edges;</p>
Play Activities	
<p>170-296-7640 Outdoor activities are required at least once a day if the conditions do not pose a health and safety risk to the children.</p> <p>170-296-7641 The licensee must write, show or demonstrate a plan for outdoor activities.</p>	<p>170-296-1220 What are the requirements for an outdoor play area?</p> <p>(6) The outdoor play area must promote the child's active play, physical development, and coordination. (7) You must provide daily opportunities for children to participate actively in outdoor play.</p>
Swimming/Wading Pools	
<p>170-296-7645 A wading pool is: (1) A pool with water depth of two feet or less – measured without children in the pool; and (2) Able to be emptied and moved.</p> <p>170-296-7646 When a wading pool is used by the children:</p>	<p>170-296-0750 What steps must I take to ensure children's safety around outdoor bodies of water?</p> <p>(1) You must ensure children in your care are safe around bodies of water. (2) You must empty and sanitize portable wading pools daily, and as needed when in use. (3) You or a qualified primary staff person must directly supervise all children in your care when they have access to wading pools,</p>

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<p>(1) The children will always be directly supervised by a primary staff person.</p> <p>(2) Licensee must obtain written parent permission to allow children to use a wading pool.</p> <p>(3) Strict child/staff ratios must be maintained outdoors when children are in a wading pool</p> <p>(4) Licensee must use a door alarm or bell to warn them that children are entering the outdoor area when pool water could be accessed</p> <p>(5) The pool must be cleaned and sanitized daily or any time the pool may be soiled.</p> <p>(6) Infants and toddlers must be supervised within reach of the staff.</p> <p>170-296-7648</p> <p>A swimming pool is: A pool that has a water depth that is greater than two feet.</p> <p>170-296-7650</p> <p>When a swimming pool is used:</p> <p>(1) (a) One person on the premises must have lifeguard training; or (b) A primary staff person with current CPR, First Aid and Lifeguard training must be present.</p> <p>(2) Licensee may choose to have a primary staff with current CPR/First Aid and an additional person with Lifeguard certification in attendance.</p> <p>(3) There must be a 1:1 (staff) ratio for infants and toddlers in a swimming pool.</p>	<p>swimming pools and other bodies of water that are in your licensed space.</p> <p>(4) You must lock hot tubs and spas, and not use these during your operating hours.</p> <p>(5) You must place a five-foot fence, designed to discourage climbing, and have a locked gate around a pool of water. This includes swimming pools that are above or below ground level and ornamental pools. Bodies of water hazardous to young children must be inaccessible to children when you or a primary staff person are not providing direct supervision during your operating hours.</p> <p>(6) A certified lifeguard must be on duty when children are using a public or private (other than your own) swimming pool, lake, river, pond, ocean or any other body of water used for swimming.</p>

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<p>(4) A five foot or higher fence must be maintained around a swimming pool.</p> <p>(5) When pool is not in use – entrance and exit points must be locked.</p> <p>(6) Licensee must have an unlocking device readily available.</p> <p>(7) The swimming pool must be maintained according to manufacturer's specifications.</p> <p>(8) The pool water must be cleaned and sanitized using the manufacturer's specifications.</p>	
Natural Bodies Of Water Or Water Hazards	
<p>170-296-7651</p> <p>When children are in care:</p> <p>(1) Any bodies of water in the licensed space, must be made inaccessible with a fence (five feet or above) or a physical barrier.</p> <p>(2) If children have access to the water they must be directly supervised by the licensee or a primary staff person with the strict staff/ratios observed</p> <p>(3) Hot tubs, spas, or jacuzzis must have a tub cover with locking devices</p> <p>(4) Five-gallon buckets of water must not be used for infant and toddler water play.</p> <p>170-296-7652 Licensee must have a safety plan when water hazards are located outside and near the licensed space.</p>	<p>170-296-0730</p> <p>What are the requirements for the location of a family home child care?</p> <p>(1) Your home must be located in an area that is well drained, and is free from hazardous conditions. Some examples of hazards are natural or manmade water hazards such as lakes or streams, ponds, steep banks, ravines, and drainage ditches. Abandoned wells and holes must be filled in or sealed.</p> <p>(2) The safety of the children in care is essential. You must discuss with your licenser any potential hazardous conditions, considering the children's ages, behaviors, and abilities.</p> <p>(3) If we decide that hazardous conditions are present at the home location you must write a supervision plan for the children in care.</p>

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Hazards	
<p>170-296-7655 Licensee must have a written supervision plan to protect the children in care when a hazardous condition is present.</p> <p>170-296-7656 Abandoned wells and ditches in licensed space must be filled in or sealed.</p>	
<p>170-296-7660 Toxins must be inaccessible to children and stored away from food.</p> <p>170-296-7662</p> <p>Label containers when the toxin is not in the original containers</p>	<p>170-296-0820</p> <p>Are there requirements for storing dangerous chemicals or other substances?</p> <p>(1) You are required to store the following items in a place that is inaccessible to children, persons with limited mental capacity, or anyone who might be endangered by access to the following products:</p> <ul style="list-style-type: none"> (a) Cleaning supplies; (b) Toxic or poisonous substances; (c) Aerosols; (d) Items with warning labels; (e) Cosmetics; and (f) Personal hygiene products. <p>(2) When containers are filled with toxic substances from a stock supply, you must label the containers.</p> <p>(3) Toxic substances must be stored separately from food items.</p>
Outdoor Pet Waste	
<p>170-296-7665</p> <p>There must be a designated area outside the children's play area for pets to relieve themselves (this does not need to be fenced).</p>	<p>170-296-0770</p> <p>What are the requirements regarding pets and animals at a family home child care?</p> <p>(1) All pets that have access to children, whether kept indoors or</p>

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<p>170-296-7666 Feces must be removed right away if an animal relieves themselves in the children's play area.</p> <p>170-296-7667 Children must wash hands after playing with a pet.</p> <p>170-296-7668 A Licensee with pets must let parents know they have a pet by: (1) Communicating how they plan to keep play areas clear of pet waste; and (2) Putting information in the parent handbook.</p> <p>170-296-7669 Pets that have contact with children must: (1) Be in good health; (2) Have current immunization for communicable diseases; (3) Show no signs of communicable disease; and (4) Be nonaggressive.</p> <p>170-296-7670 Licensee must follow state, county and local requirements for type of pets, including immunizations.</p> <p>170-296-7671 Children must not have direct contact with reptiles and amphibians due to the risk of Salmonella.</p> <p>170-296-7672 Pre-school and younger children must be directly supervised when interacting with pets.</p>	<p>outside, must be in good health, show no evidence of disease and be nonaggressive. (2) Dogs and cats must have the required immunizations. (3) You must dispose of all pet waste daily and keep litter boxes inaccessible to children at all times. (4) You must have an area separate from the outdoor play space for pets to relieve themselves. (5) Staff must always be present when children play with pets. (6) If you have a pet, tell parents before enrolling the child. Some children have allergies that require the parent to make other child care arrangements. (7) Children and staff must wash their hands after handling pets or pet items. (8) Reptiles can carry salmonella. If reptiles are present, you must have safeguards in place to limit potential risk of transmission. (9) You must have a written plan, approved by your licensor, describing how you will protect children from health hazards, such as snake bites, if you have "exotic" pets such as iguanas, venomous or aggressive snakes, spiders, and some turtles.</p>

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170-296-7675 Licensee must demonstrate how a pet known to be dangerous is kept inaccessible to the children.	

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